

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WARNER BROS. ENTERTAINMENT INC. and
J.K. ROWLING,

Plaintiffs,

-against-

RDR BOOKS and DOES 1-10,

Defendants.
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Case No. 07-CV-9667 (RPP)

**DECLARATION OF J.K. ROWLING IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, J.K. Rowling, declare and state as follows:

1. I am the author of the *Harry Potter* book series (the "*Harry Potter* Books" or "Books"). Except for the facts stated on information and belief, all of the facts set forth herein are known to me personally, and if called as a witness, I could and would testify competently thereto.

2. The idea for the *Harry Potter* series first came to me while riding a train to London nearly eighteen years ago. Since then, I have written seven books chronicling the lives and adventures of Harry Potter, Hermione Granger, Ron Weasley and their friends as they grew into adulthood at Hogwarts School of Witchcraft and Wizardry and fought the evil Lord Voldemort.

3. I wrote the first *Harry Potter* manuscript during a difficult time in my life. Between caring for my daughter single-handedly and preparing to resume my teaching career, I

wrote furiously with every opportunity I had. As a result in part of the effort and sacrifice it took to write the first *Harry Potter* book, I grew very close to the characters and the fictional world I created.

4. To this day, I care deeply about how the characters and story lines are presented and what type of derivative works I license based on the *Harry Potter* Books. I require that all licensed materials, such as the films based on the Books, be of the highest quality. I also limit *Harry Potter* merchandising in an effort to maintain quality controls. In other words, I am careful about the way the *Harry Potter* Books are presented to the world. I believe I owe that much to the millions of *Harry Potter* fans who have grown to love the Books and to trust in the quality of the products associated with them.

5. I am extremely appreciative of the support both I and the *Harry Potter* Books have received from the fan community. I enjoy and encourage the free flow of ideas, creativity, commentary and discussion of the *Harry Potter* Books, including on free-of-charge fan websites, even if it has meant allowing these fan sites to reference copyrighted *Harry Potter* materials or to create derivative works such as fan fiction or art. I express my appreciation for fan sites and the fan community by, among other things, bestowing a “fan site award” on one or more of the *Harry Potter* fan sites each year. In June of 2004, I granted just such a fan site award to the *Harry Potter* Lexicon fan site partly because of the free and open nature of the site. That being said, I never intended for this award or my encouragement and support of the fan community to be taken by anyone as an authorization for them to create and sell an infringing *Harry Potter* book (or any other materials) for their own financial gain.

6. I have chosen not to license a *Harry Potter* companion book similar to RDR Books’ proposed “lexicon” because I intend to write my own. In addition to the two companion

books I have already written—*Fantastic Beasts and Where to Find Them* and *Quidditch Through the Ages* (the “Companion Books”)—I have stated on my website, in numerous interviews in the press and elsewhere that I intend to publish a definitive guide to all of the creatures, characters, places, and other elements that comprise the *Harry Potter* world. Just as I did with the first two companion books, I will donate royalties from such a companion book to charity.

7. Moreover, I have made and kept notes in connection with each of the *Harry Potter* books, which I have recently begun to augment with additional materials that I intend to include in my own companion guide. In addition, I am aware that both my British and American publishers, Bloomsbury and Scholastic respectively, have each compiled and indexed the material from the previous *Harry Potter* books and that these materials would be made available to me if I chose to use them.

8. The seventh and final book in the *Harry Potter* series was only released less than six months ago on July 21, 2007. I was touring in support of the book, most recently in the United States and Canada, until December, 2007, after which, I took a much needed break.

9. I was thus sad and disappointed to learn while in the midst of touring in support of the last *Harry Potter* book that RDR Books and Mr. Vander Ark planned to release a *Harry Potter* “lexicon” directly contrary to my wishes. I understand that the proposed book is neither commentary nor criticism of the *Harry Potter* series—either of which would be entirely legitimate—but instead lists in alphabetical order the various fictional characters and things in the *Harry Potter* universe. It is as if I have been “scooped” before I even had the chance to wind up the book tour for the final *Harry Potter* installment, much less to write and publish my own *Harry Potter* guide.

10. Even worse, RDR Books and Mr. Vander Ark apparently are attempting to justify publication of the “lexicon” based on the past praise I had given to the *Harry Potter* Lexicon fan site. As I have already explained, I have always supported *Harry Potter* fans, even if it has meant allowing fan websites to reference copyrighted *Harry Potter* materials, but have drawn the line at selling such materials for commercial gain. By threatening to publish and sell the unauthorized “lexicon,” RDR Books and Mr. Vander Ark have crossed that line.

11. It is incomprehensible to me that this “lexicon” should be allowed to be published simply because I encourage and support fan websites or because Mr. Vander Ark was able to finish his “lexicon” while I was still touring in support of the last *Harry Potter* Book. My fear is that if the “lexicon” is published, authors like myself will be forced to restrict the use of their materials on fan websites or risk losing their right to restrict other unauthorized uses of those materials. Such a result benefits no one and hurts the fan community most of all.

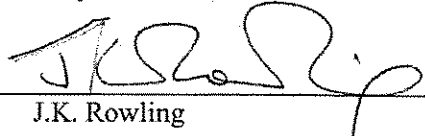
12. Contrary to assertions made by RDR Books and Mr. Vander Ark, there is an enormous difference between enjoying the free *Harry Potter* Lexicon fan site and allowing a book to be sold that directly competes with future *Harry Potter* works that I intend to author. Moreover, the website differs significantly from RDR Books’ proposed book. The website, to which I gave a fan site award, features exciting graphics, user forums, and critical essays, whereas the proposed book simply repackages story lines and characters from the *Harry Potter* series in an alphabetical A-Z listing. Also, as I mentioned, the website is free whereas RDR Books plans to sell the book for \$24.95. Lastly, the “lexicon” does not measure up to the standards that I have set for licensing derivative works. In short, I would never have approved of this “lexicon.”

13. To add insult to injury, I have learned that RDR Books intends to market the "lexicon" in a way that suggests that I have endorsed it when, in fact, the opposite is true. The back cover of the proposed book contains a large and prominent quote by me that makes it look like I am endorsing the book. In fact, the quote was taken without my permission from a fan award I gave the *Harry Potter* Lexicon fan site in 2004, which as I explained above, is different in style, purpose and commercialism from the proposed book. Given the similarity between the names of both the website and the "lexicon," the book gives the false impression that I have approved of it and suggests to my fans that I am encouraging them to buy the book, when I am not.

14. I feel as though my name and my works have been hijacked, against my wishes, for the personal gain and profit of others and diverted from the charities that I intended to benefit. Accordingly, I respectfully ask this Court to stop publication of RDR's Books' "lexicon" and send a message to other would-be infringers that they may not capitalize on the fame and success of the *Harry Potter* franchise in the future.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 15, 2008, at London, England.

Respectfully submitted,

By: 
J.K. Rowling